



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.Oregon.gov/OWRD

WATER RESOURCES COMMISSION MEETING

SALEM

June 16-17, 2022

Meeting Minutes

COMMISSION

Meg Reeves, Chair
Julie Smitherman
Jan Lee
Kathy Kihara
Woody Wolfe

WRD STAFF

Tom Byler
Doug Woodcock
Racquel Rancier
Nirvana Cook
Adair Muth
Kim Fritz-Ogren
Dwight French
Ivan Gall
Justin Iverson
Mitra Khadka
Mary Grainey
Ryan Andrews
Steve Parrett
Renée Moulun

OTHERS

Brenda Smith
Holly Mondo
Karen Moon
Janet Neuman
Karl Anuta
Ken Yates
Gene Souza
Kirk Maag
Janna Stevens
Ken Lite
Lisa Brown
Robin Harkless
Kurt Thomas
Kimberley Priestley
Rep. Mark Owens
Mary Anne Cooper
Niki Iverson
Nolan Smith
Richard Koesan
Mark Hennelly
Wayne Gresh
Herb Winters
Adam Denlinger
Alan Fujishin
Debra Bunch

Written material submitted at this meeting is part of the official record and is on file at the Oregon Water Resources Department, 725 Summer Street NE, Suite A, Salem, Oregon 97301-1271. Agendas, minutes, PowerPoint presentations, staff reports, and audio/video files are available on the Department's [website](#).

I. Thursday, June 16, 2022

Chair Reeves called the meeting to order and explained the process and purpose of the meeting.

<https://youtu.be/lIZEhpaWQ9o?t=9>

A. Commissioner Comments

<https://youtu.be/lIZEhpaWQ9o?t=26>

Commissioners reported on their recent activities, shared information, and commented on a variety of water resource topics.

B. Approval of Minutes

<https://youtu.be/llZEhpaWQ9o?t=715>

The minutes of the March 17-18, 2022 meeting were presented for Commission approval. Commissioner Lee moved to approve the minutes, seconded by Commissioner Wolfe. Voting in favor of the motion: Commissioners Smitherman, Kihara, Lee, Wolfe, and Reeves. Absent and not voting: Commissioners Moll and Quaempts. Motion passed. The minutes of the May 31, 2022 meeting were presented for Commission approval. Commissioner Kihara moved to approve the minutes, seconded by Commissioner Smitherman. Voting in favor of the motion: Commissioners Smitherman, Kihara, Lee, Wolfe, and Reeves. Absent and not voting: Commissioners Moll and Quaempts. Motion passed.

C. Director's Report

<https://youtu.be/llZEhpaWQ9o?t=815>

Tom Byler, Director, provided an update on Department business and late-breaking issues.

D. Update on Implementation of Projects

<https://youtu.be/llZEhpaWQ9o?t=3008>

Tom Byler, Director, discussed the implementation of projects following the 2021 Legislative Session, including the status of recruitments, projects, and rulemaking.

E. State Recognition of the Mid-Coast Water Planning Partnership's Water Action Plan

<https://youtu.be/llZEhpaWQ9o?t=7152>

Adam Denlinger, Manager, Seal Rock Water District; Alan Fujishin, Manager, Gibson Farms; Kim Fritz-Ogren, Planning, Collaboration, and Investments Section Manager; and Steve Parrett, Planning Coordinator; presented the Mid-Coast Water Planning Partnership's Water Action Plan and the accompanying state agency recommendation for state recognition of the plan. The Commission was asked to recognize the plan. Commissioner Smitherman moved to formally recognize the Mid-Coast Planning Partnership's Water Action Plan included in the staff report, seconded by Commissioner Kihara. Voting in favor of the motion: Commissioners Smitherman, Kihara, Lee, Wolfe, and Reeves. Absent and not voting: Commissioners Moll and Quaempts. Motion passed.

F. Drought and Water Conditions Update

<https://youtu.be/llZEhpaWQ9o?t=10701>

Ryan Andrews, Hydrologist, provided an update on current drought conditions, coordination, and communication efforts, and support available for water users.

G. Conversion of a Hydroelectric Water Right to an Instream Water Right Division 54 Rulemaking

<https://youtu.be/lIZehpaWQ9o?t=17056>

Tom Byler, Director; Dwight French, Water Right Services Division Administrator, and Mary Graine, Hydroelectric Coordinator; presented a request to adopt new rules governing the conversion of hydroelectric water rights to instream water rights. The Commission was asked to consider the adoption of the proposed rules. Commissioner Wolfe moved to adopt the proposed rules for a new OAR Chapter 690, Division 54, as contained in the staff report, seconded by Commissioner Lee. Voting in favor of the motion: Commissioners Smitherman, Kihara, Lee, Wolfe, and Reeves. Absent and not voting: Commissioners Moll and Quaempts. Motion passed.

H. Groundwater Allocation Project Update

<https://youtu.be/lIZehpaWQ9o?t=20068>

Doug Woodcock, Deputy Director, Water Management; Ivan Gall, Field Services Division Administrator; and Justin Iverson, Groundwater Section Manager; provided an update on the groundwater allocation project.

I. State Recognition of the Lower John Day Place-Based Partnership's Integrated Water Resources Plan

<https://youtu.be/lIZehpaWQ9o?t=23400>

Herb Winters, Gilliam Soil and Water Conservation District Manager; Debra Bunch, Mid-John Day Watershed Council Coordinator; Kim Fritz-Ogren, Planning, Collaboration, and Investments Section Manager, and Steve Parrett, Planning Coordinator; presented the Lower John Day Integrated Water Resources Plan and the accompanying state agency recommendation for state recognition of the plan. The Commission was asked to recognize the plan. Commissioner Smitherman moved to formally recognize the Lower John Day Place-Based Partnership's Integrated Water Resources Plan included in the staff report, seconded by Commissioner Kihara. Voting in favor of the motion: Commissioners Smitherman, Kihara, Lee, Wolfe, and Reeves. Absent and not voting: Commissioners Moll and Quaempts. Motion passed.

J. Harney Basin Groundwater Study: Report Summary and Next Steps

<https://youtu.be/lIZehpaWQ9o?t=26458>

Justin Iverson, Groundwater Section Manager, provided a summary of the recently published Harney Basin Groundwater Basin Study reports and present next steps for groundwater management in the basin in this informational report.

Public Comment:

Mark Owens, Harney County Farmer and Representative, HD 60

<https://youtu.be/lIZEhpaWQ9o?t=28465>

II. Friday, June 17, 2022

Chair Reeves called the meeting to order and explained the process and purpose of the meeting, and a change to the agenda.

<https://youtu.be/YE2KgRIWzSM?t=4>

K. Feasibility Study Grants Funding recommendations

<https://youtu.be/YE2KgRIWzSM?t=81>

Kim Fritz-Ogren, Planning, Collaboration, and Investments Section Manager, and Adair Muth, Grant Management Analyst, presented the funding recommendations for the 2021-2022 funding cycle of Feasibility Study Grants. The Commission was asked to make funding decisions. Commissioner Wolfe moved to adopt the staff funding recommendations contained in the staff report, seconded by Commissioner Lee. Voting in favor of the motion: Commissioners Smitherman, Kihara, Lee, Wolfe, and Reeves. Absent and not voting: Commissioners Moll and Quaempts. Motion passed.

L. Harney Community-Based Water Planning Collaborative Planning Update

<https://youtu.be/YE2KgRIWzSM?t=4510>

Mark Owens, Farmer and State Representative, District 60; Brenda Smith, Executive Director, High Desert Partnership; Holly Mondo, Planning Project Manager; Kim Fritz-Ogren, Planning, Collaboration, and Investments Section Manager, and Steve Parrett, Planning Coordinator; presented an update on the Collaborative's planning progress and work in development of the groundwater portion of their integrated plan in this informational report.

M. Adoption of Temporary Rules to Clarify Applicability of Automatic Stay Associated with Petition for Judicial Review under ORS 536.075

<https://youtu.be/YE2KgRIWzSM?t=8993>

The Department, with Chair Reeve's concurrence, withdrew from consideration Agenda Item M (Adoption of Temporary Rules to Clarify Applicability of Automatic Stay Associated with Petition for Judicial Review under ORS 536.075), taking this step in response to concerns raised about the limited opportunity for public participation for this temporary rulemaking. Public comment was accepted on this withdrawn agenda item.

Public Comment:

Karl Anuta, Law Office of Karl G. Anuta, P.C.

<https://youtu.be/YE2KgRIWzSM?t=9187>

Nolan Smith, on behalf of Dominic Carollo, Carollo Law Group

<https://youtu.be/YE2KgRIWzSM?t=9242>

Kimberley Priestley, WaterWatch

<https://youtu.be/YE2KgRIWzSM?t=9818>

Janet Neuman, Tonkon Torp, LLP

<https://youtu.be/YE2KgRIWzSM?t=9852>

Kirk Maag, Stoel Rives, LLP

<https://youtu.be/YE2KgRIWzSM?t=9931>

Kurt Thomas, Thomas Family Limited Partnership

<https://youtu.be/YE2KgRIWzSM?t=10255>

Mark Hennelly, California Waterfowl Association

<https://youtu.be/YE2KgRIWzSM?t=10420>

Niki Iverson, on behalf of Michael Martin, League of Oregon Cities

<https://youtu.be/YE2KgRIWzSM?t=10596>

N. Public Comment and Other Issues

There were no further requests for public comment.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Nirvana Cook

Nirvana Cook
Commission Assistant